

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/714,619 Confirmation No.: 5426
Applicant : Harold P. Mintz
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For : METHOD OF OPERATING A VENTURE BUSINESS
TC/Art Unit : 1771
Examiner : Lalita M. Hamilton
Docket No. : 12763
Customer No.: 25570

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DECLARATION UNDER 37 C.F.R. 1.131

Sir:

1. I, the undersigned, Harold P. Mintz, declare:
2. I am the inventor of the invention disclosed and claimed in the above-identified patent application.
3. This invention was conceived prior to February 14, 2000, as evidenced by the attached Exhibit A. Exhibit A is a copy of a GoldenEye Technologies Prospectus prepared by Steven G. Hubbard, under my direction, prior to February 14, 2000. As may be seen at page 1, line 17, of Exhibit A,

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conception of the establishment of a business entity, GoldenEye International is shown. Exhibit A, itself, relates to the conception of the establishment of the investment fund. At page 1, lines 13-17 of Exhibit A, conception of the establishment of a fund managing entity, GoldenEye Management, is discussed. At page 1, line 28, through page 2, line 2, conception relating to the fund having investors that provide capital contributions is discussed. At page 2, lines 21-32, conception of the investors receiving a participation interest and securities is discussed. At page 1, lines 8-11, the conception of the fund's investment objectives is described. The conception of the invention took place at New York, New York.

4. To further support that I conceived this invention prior to February 14, 2000, the Declaration of Steven G. Hubbard is submitted concurrently herewith. In the Declaration of Steven G. Hubbard, Mr. Hubbard confirms that, prior to February 14, 2000, I discussed with him the claimed method of operating a venture capital investment business, the method comprising the steps of establishing a business entity; the business entity establishing an investment fund for venture capital; establishing a fund managing entity of the investment fund, the fund managing entity attending to administrative matters relating to the investment fund and making investment decisions for the fund; the investment fund having capital contributions provided by investors in the fund, the fund managing entity also providing capital contributions to the fund, the fund utilizing the contributions to invest in portfolio entities; the investors receiving a general participation interest in the fund, and the fund managing entity receiving a carried interest in the fund; providing the investors that have provided at least a threshold capital contribution to the fund with stock rights in the business entity to enable such investors to become shareholders in the business entity; the business entity securing a portion of IPO shares that become available in the

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portfolio entities; and the business entity enabling shareholders thereof to purchase IPO shares among the portion of IPO shares secured by the business entity that become available in the portfolio entities. In the Declaration of Steven G. Hubbard, Mr. Hubbard also confirms that he prepared the GoldenEye Technologies Prospectus, attached as Exhibit A, under my direction, prior to February 14, 2000.

5. Following the conception of my invention prior to February 14, 2000, I diligently pursued a reduction to practice of my invention, at least as of the date of incorporation of GoldenEye International, Inc. on January 19, 2000, as evidenced by the following Exhibits.

a) Exhibit B presents an Application for Authority of GoldenEye International, Inc., which demonstrates that GoldenEye International, Inc. was incorporated under the laws of the State of Delaware on January 19, 2000. The Application for Authority of GoldenEye International, Inc. was filed and received by the Secretary of New York Department of State on April 21, 2000.

b) Exhibit C presents a copy of a Private Placement Memorandum for GoldenEye International, Inc. Class B Common Stock bearing a date of May 2000. At page 14, the GoldenEye concept is fully described to investors, with the distribution system detailed at page 15 and the business model and organizational structure detailed at page 16. Further details of my invention are provided throughout this document.

c) Exhibit D presents a copy of a Private Placement Memorandum for GoldenEye International, Inc. Series A Convertible Preferred Stock bearing a date of October 6, 2000. At page 20, the GoldenEye concept is fully described to investors, with the distribution system detailed at page 22 and the business management structure detailed at page 24. The investment process is described beginning at page 25. Exhibit A of Exhibit D presents a

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Financial Report that indicates that the date of inception of GoldenEye International, Inc. was January 20, 2000. Further details of my invention are provided throughout this document.

d) Exhibit E presents a Market Wire article available on the internet, dated October 2000. I was interviewed for this article and stated that we had just announced that we had raised a total of 6.1 million dollars in capital. Our investment portfolio at that time was described in that article.

6. The embodiments described and illustrated in Exhibits A-E are among the embodiments of the invention disclosed and claimed in the above-identified application. The reduction to practice principally occurred at New York, New York.

All of the statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

4/15/08
Date

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